

**Work Plan**

**For the**

**Performance Partnership Grant (PPG)**

**Base Program**

**Components and Key Commitments**

**For**

**April 1, 2012 - March 31, 2013**

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### **Reporting on Progress**

The PPG tasks define the Components and commitments which the New York State Department of Environmental Conservation (DEC) will endeavor to achieve during the State fiscal year which begins April 1, 2012 and ends on March 31, 2013. DEC maintains data for the various data bases EPA uses to collect information from the states on the progress of their programs. DEC will provide the USEPA with a semi-annual PPG Status Report for each Component and commitment herein contained by October 31, 2012 and April 30, 2013.

The PPG Status Report will specify two different reporting mechanisms. For each Component and commitment where EPA has an established data base to collect information, DEC will refer to that data base. That data base will be the mechanism to report progress on those Components and commitments. Where EPA does not have a corresponding data base to collect information, DEC will provide a narrative report on progress. In addition, several of the elements will be reported through the existing SNAP process.

DEC will advise the USEPA whether or not the commitment has been met, is on schedule to be met or is not expected to be met. In the latter case, the DEC will explain the reason for not achieving the commitment and when it is likely to be met. The USEPA will review the PPG Status Report and advise the DEC of its concerns by November 30, 2012 and May 31, 2013. The DEC will attend any meeting requested by the USEPA which is needed to clarify and/or resolve any issues and concerns.

## **Abbreviations and Acronyms**

1. ACJ - Amended Consent Judgment
2. AOC - Area of Concern
3. ACWA - Association of Clean Water Administrators
4. BMP - Best Management Practice
5. BUI – Beneficial Use Impairment
6. CAFO - Concentrated Animal Feeding Operation
7. CAS - Compliance Assurance Strategy
8. CBP - Chesapeake Bay Program
9. CERG - Compliance Enforcement Response Guide
10. CMOM - Capacity Management Operation & Maintenance
11. CPM - Core Performance Measures
12. CSO - Combined Sewer Overflow
13. DEC - Department of Environmental Conservation
14. DMR - Discharge Monitoring Report
15. DOS - Department of State
16. DOT - Department of Transportation
17. EFC Environmental Facilities Corporation
18. EOH - East of Hudson
19. EPA - Environmental Protection Agency
20. EBPS - Environmental Benefit Permit Strategy
21. GROG - Grants Reporting and Oversight Group
22. GLNPO - Great Lakes National Program Office
23. GLI - Great Lakes Initiative
24. GP 04-02 - General Permit for Concentrated Animal Feeding Operations
25. GRTS - Grants Reporting and Tracking System
26. HEP - Harbor Estuary Program
27. HVHF - High Volume Hydraulic Fracturing
28. ICIS - Integrated Compliance Information System
29. LISS – Long Island Sound Strategy
30. LO LaMP - Lake Ontario Lakewide Management Plan
31. LaMP - Lakewide Management Plan
32. LOMC - Lake Ontario Management Committee

### **Abbreviations and Acronyms (continued)**

- 33. LOWG - Lake Ontario Work Group
- 34. LTCP - Long-term Control Plans
- 35. MCM - Minimum Control Measures
- 36. MOA - Memorandum of Agreement
- 37. MOU - Memorandum of Understanding
- 38. MS4 - Municipal Separate Storm Sewer System
- 39. NDZ - No Discharge Zone
- 40. NEIWPCC - New England Interstate Water Pollution Control Commission
- 41. NMCs - Nine Minimum Controls
- 42. NOAA - National Oceanic and Atmospheric Administration
- 43. NOI – Notice of Intent
- 44. NPDES - National Pollutant Discharge Elimination System
- 45. NPS - Non-point Source
- 46. NYCDEP - New York City Department of Environmental Protection
- 47. NRTMP - Niagara River Toxics Management Plan
- 48. QAPP - Quality Assurance Program Plan
- 49. OLP - Onondaga Lake Partnership
- 50. ORFs - Overflow Retention Facilities
- 51. PCS - Permit Compliance System
- 52. PPG - Performance Partnership Grant
- 53. PP – Priority Permits
- 54. QSA – Quality Systems Assessment
- 55. RAP - Remedial Action Plan
- 56. RCRA - Resource Conservation and Recovery Act
- 57. RIBS - Rotating Intensive Basin Study
- 58. RIDE – Required ICIS Data Elements
- 59. SDWA - Safe Drinking Water Act
- 60. SNAP - Significant Non-Compliance Action Program
- 61. SPDES - State Pollutant Discharge Elimination System
- 62. SSO - Sanitary Sewer Overflow
- 63. SWPPP - Storm Water Pollution Prevention Plans

### **Abbreviations and Acronyms (continued)**

- 64. TAC - Technical Advisory Commission
- 65. TMDL - Total Maximum Daily Load
- 66. TOGS - Technical and Operational Guidance Series
- 67. USGS - United State Geological Survey
- 68. WENDB - Water Enforcement National Data Base
- 69. WET - Whole Effluent Toxicity Testing
- 70. WQ - Water Quality

## Strategic Goals & Objectives

(FY 2011-2015 EPA Strategic Plan)

### Essential Element 1

Goal 2: Protecting America's Waters

### Essential Element 2

Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>Component #1 of 8 - Core N/SPDES Permitting and Compliance Assurance</b>			
<b>a. Core Program Activities</b> (Joe DiMura)(Doug McKenna/Justine Modigliani):	<p>As resources allow, DEC will implement core program activities related to point source surveillance and compliance. Priority will be given to timely response to Significant Non-Compliance for EPA majors and compliance assurance for wet weather SPDES sources (CSO, SSO, CAFO and storm water). Compliance assurance will be achieved through DEC compliance monitoring strategies, compliance assurance and enforcement including coordination with the Chesapeake Bay program that is consistent with DEC guidance and the EPA/DEC enforcement agreements.</p> <p>Continue to implement the EPA/DEC Inspection Workplan (compliance monitoring inspection activity) on an annual basis.</p>	Progress will be discussed at the quarterly SNAP meetings and reported in the quarterly SNAP minutes.	
<b>b. Five Year SPDES Permits Renewal</b> (Koon Tang)(Doug	DEC will continue a pilot to renew all EPA Major SPDES permits on a	Progress Through 9/30/12 Reported on 10/31/12 and Progress	WQ 12a - Percent of non-Tribal facilities covered by NPDES

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>Component #1 of 8 - Core N/SPDES Permitting and Compliance Assurance</b>			
Pabst):	five (5) year cycle in compliance with the CWA. By the end of SFY 2012/13 DEC will evaluate the new process to determine if it should be continued long-term.	Through 3/31/13 and Reported on 4/30/13  Public Notice the renewal of at least 50 EPA Major permits in SFY 2012/13 with full technical review.	permits that are considered current. (Target: 90%)
<b>c. Significant Non-Compliance Action Plan (SNAP)</b> (Vicky Schmitt) (Doug McKenna)	DEC will continue to participate in the SNAP process and take timely and appropriate action for instances of significant non-compliance by EPA majors.	Progress will be discussed at the quarterly SNAP meetings and reported in the quarterly SNAP minutes.	
<b>d. ICIS Maintenance</b> (Bob Wither) (Barbara McGarry)(Susan Schulz)	DEC will maintain 100% of required ICIS-NPDES Data elements (RIDE) in ICIS-NPDES where DEC has program primacy. EPA will maintain 100% of required RIDE in ICIS-NPDES for program where EPA has program primacy. EPA will enter their inspections and enforcement actions into ICIS.	Progress reported thru RIDE.	
<b>e. ICIS Implementation</b> (Bob Wither) (Barbara McGarry) (Susan Schulz)	DEC will continue to participate in implementing EPA's ICIS-NPDES system.	Progress reported in quarterly progress reports in addition to semi-annual GROG reports.	
<b>f. Pretreatment Program</b> (Vickie Schmitt) (Doug McKenna)	DEC will address effluent violations caused by indirect industrial discharges and will report through the SNAP program.  EPA will continue to directly implement the pretreatment	Progress will be discussed at the quarterly SNAP meeting and reported in the quarterly SNAP minutes.	

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>Component #1 of 8 - Core N/SPDES Permitting and Compliance Assurance</b>			
	program.		
<b>g. Enforcement Action Plan–Public Access to Compliance Information</b> (Vickie Schmitt) (Doug Mckenna):	DEC will annually publish a comprehensive SPDES compliance report. The report summarizes state-wide permit, inspection and enforcement statistics for all SPDES permit categories. The report will be posted on the DEC public website.	<p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13</p> <p>DEC will publish the annual compliance report for SFY 2011/12 on the DEC Public website by September 30, 2012.</p>	
<b>h. Individual Permitting</b> (Shayne Mitchell) (Michelle Josilo)	<p>(i) DEC will meet semi-annually with EPA to review the status of all permitting commitments.</p> <p>(ii) DEC will finalize and issue EPA's priority permits (PP).</p> <p>(iii) DEC will issue EBPS permits in accordance with Department guidance.</p> <p>(iv) DEC will draft 3% of the high priority EBPS Permits within the fiscal year, with an interim milestone date of June 30 for sending out a Request for Information to each subject permittee. DEC plans to issue each final permit within 90 days from the end of the comment period unless the draft permit is subject to</p>	<p>Semi-annual meetings.</p> <p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13</p> <p>1) DEC will issue 10 final priority permits by 9/30/12.</p> <p>2) DEC will report on the new EPA FY 2012 PP universe by 8/31/12 and commit to a new target by 9/30/12.</p> <p>DEC will produce an annual list of EBPS Department initiated permits that have been issued in the previous year.</p> <p>DEC will report annually on the</p>	<p>WQ-11 (number, and percent of follow-up actions that are completed by assessed NPDES programs): <u>indicator</u></p> <p>WQ-19a (Number of high priority state NPDES permits that are issued as scheduled): NY target = 10</p> <p>WQ 12a - Percent of non-Tribal facilities covered by NPDES permits that are considered current. (Target: 90%)</p>

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>Component #1 of 8 - Core N/SPDES Permitting and Compliance Assurance</b>			
	<p>adjudication, extensive technical issues or extensive public concern. If a permit is adjudicated, has extensive technical issues or has extensive public concern, DEC will make every effort to finalize that permit as soon as possible.</p> <p>(v) DEC will perform Reasonable Potential analyses for permits consistent with Federal regulations and DEC's finalized Whole Effluent Toxicity (WET) TOGS. This will be accomplished through the implementation of the EBPS and the 5-year renewal pilot as defined under component 1.h iv. and item b. under component 1. Permits will include WET limits where they are demonstrated to be appropriate (acute or chronic including sublethal endpoints).</p> <p>(vi) DEC will maintain a No Administrative Renewal List and work toward issuing permits consistent with other permitting commitments in this PPG work plan.</p>	status of EBPS implementation on 4/30/13.	
<b>i. Disinfection Policy – TOGS</b> (Shayne Mitchell) (Michelle Josilo)	DEC will continue efforts for updating the disinfection policy through updating Division of Water Technical and Operational	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13.	

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>Component #1 of 8 - Core N/SPDES Permitting and Compliance Assurance</b>			
	<p>Guidance Series (TOGS).</p> <p>DEC will add pathogens monitoring to facilities that are discharging directly to the Great Lakes and coastal waters when their permits are renewed with full technical review.</p>		
<p><b>j. Permit Modification for Pre-Treatment Program</b> (Koon Tang)(Doug Pabst) (Jacqueline Rios)</p>	<p>POTWs with EPA approved pretreatment and state approved mini-pretreatment programs will include the new pretreatment notification language approved by EPA when modified, pursuant to EBPS or the 5-year renewal strategy.</p> <p>The modification will add clear authority for EPA to enforce pre-treatment program requirements.</p> <p>For POTW's with EPA-approved pretreatment programs, DEC will send EPA information it receives from POTWs requesting approval of the discharge of gas extraction wastewater (from either horizontal or vertical drilling). This information should be provided to EPA within two weeks of NYSDEC's receipt of the submission.</p>	<p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13.</p> <p>100% of requested information is provided to EPA within two weeks of receipt by DEC.</p>	
<b>k. Permit Tracking</b> (Carol	DEC will track and report all	DEC will continue to enter data	

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>Component #1 of 8 - Core N/SPDES Permitting and Compliance Assurance</b>			
Lamb-LaFay)( Doug Pabst):	facilities and activities that are provided coverage under the general permits issued by DEC.	into EPA's ICIS. EPA will consult ICIS for CAFO, MS4, and industrial stormwater information. DEC will continue to maintain a separate database for all construction stormwater permits and multi-sector general permits. This information will be provided to EPA in an annual report. DEC will ensure that the Stormwater program databases will be updated on or slightly before 4/1 and 10/1.	
<b>I. CAFO Compliance Assurance Strategy (CAS)</b> (Joe DiMura) (Doug McKenna)	DEC will continue to implement its CAFO Strategic Plan which includes; response to water quality complaints, permitting of unpermitted CAFOs, neutral and targeted inspections with a priority on large CAFOs, appropriate response to non-compliance with the CAFO General SPDES permit, and a "CAFO Compliance Toolbox."	Status of DEC implementation of the CAFO Strategic Plan and individual cases of concern to EPA will be integrated into the SNAP process.	
<b>m. Combined Sewer Overflows (CSO)</b> (Brian Baker) (Doug Pabst) (Vicky Schmitt) (Doug McKenna)	DEC will modify the SPDES permits for all CSO permits in accordance with the DEC/EPA CSO Nine Minimum Controls (NMCs)/Best Management Practices (BMP) and Long-Term Control Plans (LTCP) Strategy to include requirements to developing LTCPs and to implement all applicable BMPs. DEC will submit reports in accordance with	<p><b>1)</b> Progress on SPDES permitting aspects will be reported in accordance with the CSO Strategy. DEC will develop and submit to EPA an updated draft CSO Strategy by Sept. 30, 2012.</p> <p><b>2)</b> DEC will meet with EPA on quarterly intervals supplemented by as needed teleconferences to discuss progress with the</p>	

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>Component #1 of 8 - Core N/SPDES Permitting and Compliance Assurance</b>			
	the CSO Strategy.	<p>implementation of the CSO Strategy</p> <p><b>3)</b> Report to be submitted on 4/15/13 which provides the status of the remaining CSO facilities which require submittal of approvable LTCPs.</p> <p><b>4)</b> In addition, DEC progress on addressing non-compliance with the EPA CSO Policy and individual cases of concern to EPA will be integrated into the SNAP process.</p>	
<p><b>n. MS4 and Construction Stormwater</b> (Carol Lamb-LaFay) (Stephen Venezia) (Maureen Krudner)</p> <p>(See Component 3, item f. for stormwater permit for HVHF)</p>	<p>(i) DEC will implement the Phase II stormwater regulation for construction activities and MS4s. DEC also agreed to modify their Construction General Permit (CGP) to include EPA's Construction and Development(C&amp;D) effluent limitation guidelines by public noticing their draft CGP within four months of the issuance of EPA's final CGP.</p> <p>(ii) DEC will report on the progress of the draft MS4 permit for New York City.</p> <p>(iii) DEC will keep EPA apprised</p>	<p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13.</p>	<p>WQ-13a and WQ-13c: (number and % of facilities covered under either an individual or general MS-4s or construction permit: <u>indicator.</u></p>

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>Component #1 of 8 - Core N/SPDES Permitting and Compliance Assurance</b>			
	<p>of the status of the state MS4 permit in light of the recent court decision/permit challenge.</p> <p>DEC projects to issue a draft MS4 permit for NYC by 12/30/12 and will provide EPA with periodic updates as to the status of permit development.</p>		
<b>o. CAFO Permitting</b> (Don Tuxill) (Andrea Coats)	<p>DEC will initiate the process to issue a CWA CAFO General Permit that is in compliance with the 2008 CAFO Rule. DEC will finalize the permit as soon as possible.</p> <p>DEC will target the public notice of the draft permit by 12/30/2012 with an interim report of progress to EPA on or about 9/1/2012.</p> <p>DEC will work with EPA to develop a schedule to effect a Part 750 revision in SFY 2012/13; DEC will develop a comprehensive list of items that must be revised in Part 750 with EPA's input.</p>	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13	
<b>p. Sanitary Sewer Overflows (SSO)</b> (Joe DiMura) (Brian Baker) (Doug Pabst) (Doug McKenna)	DEC will implement its SSO Strategic Plan which includes guidance on permitting and	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on	

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>Component #1 of 8 - Core N/SPDES Permitting and Compliance Assurance</b>			
	compliance for Types I, II and III SSOs and development of an “SSO Compliance Toolbox.”	<p>4/30/13</p> <p>Status of DEC implementation of the SSO Strategic plan and individual cases of concern to EPA will be integrated into the SNAP process. DEC will issue SSO permits in accordance with the EBPS system.</p> <p>DEC will update the SSO Abatement Annual Report to include the list of permittees that have had their permits updated to include requirements of the SSO policy.</p>	
<b>q. Great Lakes Permitting</b> (Shayne Mitchell) (Karen O’Brien)	<p>DEC is working on a mercury strategy that will help implement GLI.</p> <p>Development/implementation of this strategy is included in the PPG since it will be integral to ensuring that permits going forward meet GLI requirements.</p>	<p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13</p> <p>DEC will issue permits consistent with the mercury permitting approach contained in the final TOGS and the EBPS process.</p>	Modify high priority permits to conform to the TOGS.
<b>r. Permit Quality Review (PQR) Follow-up</b> (Koon Tang) (Michelle Josilo)	EPA Headquarters conducted a Permit Quality Review (PQR) Audit in 2008. A list of about 15 follow-up areas was provided to DEC to improve the quality and consistency of SPDES permits issued by DEC.	<p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13</p> <p>Discuss progress on a quarterly basis via conference calls or face-to-face meetings.</p>	

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>Component #1 of 8 - Core N/SPDES Permitting and Compliance Assurance</b>			
	EPA is scheduled to conduct a PQR in the first quarter of 2012 and will provide its findings and a list of action items to DEC. Reporting requirements and indicators will be determined.		
<b>s. Small Watershed Enforcement Pilot</b> (Victoria Schmitt)(Margaret Novak)(Doug McKenna)	DEC will enhance point source surveillance and compliance assurance by first identifying a water/watershed of manageable size (HUC -11) where pollutant sources are largely regulated and environmental indicators reveal degrading water quality or already impaired best uses. DEC will focus on swimmable and fishable best uses. DEC will then develop and implement an enhanced inspection program tailored to the pollutant(s) of concern and to prevent a likely future 303(d) listing or to de-list an existing best use impairment. DEC will provide EPA with semi-annual summary reports.	Progress through 9/30/12 reported on 10/31/12 and progress through 3/31/13 reported on 4/30/13.	
<b>t. Clean Water Act 316(a) Thermal Variance Determinations</b> (Michelle Josilo)(Koon Tang)	SPDES permits and fact sheets should explicitly address and document the basis (including the use of mixing zones) for any Clean Water Act Section 316(a) thermal variance determinations.  DEC will work with EPA on how best to evaluate, document and		

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>Component #1 of 8 - Core N/SPDES Permitting and Compliance Assurance</b>			
	consider the thermal and biological impacts of CWA 316(a) determinations in SPDES permits in the context of climate change.		

**Component #2 of 8 - Water Quality Assessment and Reporting [CWA §305(b)]**

**Section 305(b) of the Clean Water Act requires each state to assess and report biennially on April 1 of every even year, on the ability of all waters of the state to support the goals of the Act. The CWA ' 305(b) process is the principal means by which EPA, Congress and the public evaluate whether the U.S. waters meet water quality standards, the progress made in maintaining and restoring water quality and the extent of remaining problems. In accordance with ' 303(d) of the Clean Water Act, every two years each state must identify specific waters that do not fully support uses and submit this list to EPA for approval. The Integrated 305(b)/303(d) Report includes both information required under Sections 303(d) and 305(b).**

<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 12 Performance Activity Measures</b>
<b>a. CWA §305(b) Submittal and 303(d)List (Integrated Reporting)</b> (Jeff Myers) (Ruth Izraeli)	<p>DEC will submit to EPA a proposed final 2012 Section 303(d) list by April 1, 2012.</p> <p>DEC will forward to EPA an electronic submittal of the annual 305(b) water quality assessment data update each year.</p> <p>Dependent on EPA's timely review and approval of the 2012 proposed final 303(d) List, DEC will submit the final 2012 305(b)/303(d) Integrated Report and electronic submittal to EPA by June 1, 2012. The 2013 electronic update will be submitted by April 1, 2013. In accordance with the NYS Consolidated Assessment and Listing Methodology NYSDEC will update WI/PWL assessments for drainage basins as appropriate based on available resources and priorities.</p>	<p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13</p> <p>The 2012 305(b)/303(d) Integrated Report and electronic update /submittals for 2012 and 2013 are scheduled to be submitted during this work plan period.</p>	<p>WQ-7</p> <p>NY's Draft Commitment = 1</p>
<b>b. Ambient Monitoring</b> (Margaret Novak)(Randy	DEC implements a biological (macroinvertebrate and toxicity	Progress Through 9/30/12 Reported on 10/31/12 and Progress	WQ-5

**Component #2 of 8 - Water Quality Assessment and Reporting [CWA §305(b)]**

**Section 305(b) of the Clean Water Act requires each state to assess and report biennially on April 1 of every even year, on the ability of all waters of the state to support the goals of the Act. The CWA '305(b) process is the principal means by which EPA, Congress and the public evaluate whether the U.S. waters meet water quality standards, the progress made in maintaining and restoring water quality and the extent of remaining problems. In accordance with '303(d) of the Clean Water Act, every two years each state must identify specific waters that do not fully support uses and submit this list to EPA for approval. The Integrated 305(b)/303(d) Report includes both information required under Sections 303(d) and 305(b).**

<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 12 Performance Activity Measures</b>
Braun/Darvene Adams)	testing), physical (habitat), and chemical (water and sediment) monitoring program which on a 5-year rotating schedule encompasses the entire State of New York. The monitoring information is used to update the Waterbody Inventory/Priority Waterbodies List (also on a 5-year rotating basin schedule) and, subsequently, to produce the biennial 305(b)/303(d) Integrated List/Report. The monitoring program is flexible and is modified as needed to reflect resources and priorities. Monitoring data are available electronically. While maintaining broad statewide coverage, the monitoring effort will shift some focus towards priority targeted waterbodies.	Through 3/31/13 and Reported on 4/30/13	
<b>c. Long-Term Monitoring Strategy</b> (Margaret Novak) (Randy Braun/Darvene Adams)	DEC will report progress regarding revision and implementation of its monitoring strategy, as well as projects funded with supplemental 106 funds. Progress reports may	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13.	WQ-5

**Component #2 of 8 - Water Quality Assessment and Reporting [CWA §305(b)]**

**Section 305(b) of the Clean Water Act requires each state to assess and report biennially on April 1 of every even year, on the ability of all waters of the state to support the goals of the Act. The CWA ' 305(b) process is the principal means by which EPA, Congress and the public evaluate whether the U.S. waters meet water quality standards, the progress made in maintaining and restoring water quality and the extent of remaining problems. In accordance with ' 303(d) of the Clean Water Act, every two years each state must identify specific waters that do not fully support uses and submit this list to EPA for approval. The Integrated 305(b)/303(d) Report includes both information required under Sections 303(d) and 305(b).**

Components	Narrative	Indicator	FY 12 Performance Activity Measures
	include (1) a10-year timeline for activities identified in the monitoring strategy, as appropriate, and (2) summary reporting of currently funded monitoring initiative projects, including any issues that may hinder project implementation or completion.		
<b>d. National Aquatic Resource Survey (NARS Participation)</b> (Margaret Novak)(Darvene Adams)	DEC will participate in planning and implementation (either actively or through request for EPA in-kind services) of NARS surveys. Conduct of the field portion of the National Lakes Condition Assessment will be conducted in 2012 through EPA in-kind services; planning for the Rivers assessment effort will be conducted in 2012.	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13.	
<b>e. Quality Assurance</b> (RoseAnn Garry) (Kathryn Seaver)	In order to assure that all data generated under this Agreement will be of known documented quality, DEC will maintain a quality assurance management program which will ensure that	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13	

**Component #2 of 8 - Water Quality Assessment and Reporting [CWA §305(b)]**

**Section 305(b) of the Clean Water Act requires each state to assess and report biennially on April 1 of every even year, on the ability of all waters of the state to support the goals of the Act. The CWA '305(b) process is the principal means by which EPA, Congress and the public evaluate whether the U.S. waters meet water quality standards, the progress made in maintaining and restoring water quality and the extent of remaining problems. In accordance with '303(d) of the Clean Water Act, every two years each state must identify specific waters that do not fully support uses and submit this list to EPA for approval. The Integrated 305(b)/303(d) Report includes both information required under Sections 303(d) and 305(b).**

<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 12 Performance Activity Measures</b>
	quality assurance project plans shall be developed and implemented for each special study and long-range monitoring program conducted by the Division, in cooperation with the Division, or for the Division. As per EPA QA Requirements, NYSDEC will submit an annual Quality Assurance (QA) work plan by April 1, 2013. A QA work plan for 2012, as well as the biennial Quality Management Plan for 2012/13 will have been submitted prior to April 1, 2012.		

### Component #3 of 8- Groundwater

**Groundwater management and planning are not required by one specific regulatory program, although the assessment of the States surface and groundwater resources is discussed under Section 305(b) of the Clean Water Act. Instead, groundwater is impacted and interacts with numerous regulatory programs, such as the State Superfund, RCRA, CWA and the Safe Drinking Water Act. Comprehensive groundwater management and planning is necessary to coordinate between programs to ensure that overall resource quality is assessed, maintained and remediated by efficient use of available resources. The approximate number of wells to be sampled in each basin will be specified and the QAPP referenced.**

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<b>a.</b> (Dan Kendall) (Steve Gould):	DEC will continue to implement the water well drillers registration/reporting program.	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13	
<b>b.</b> (Doug Picha) (Steve Gould):	DEC will provide EPA with a list of all newly permitted public water supply wells in Nassau and Suffolk counties. The list will identify municipality names.	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13	
<b>c.</b> (Jim Garry)(Steve Gould):	DEC will continue with USGS the cooperative groundwater mapping project to identify and assess groundwater resources in selected Principal Aquifers within New York.	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13	
<b>d.</b> (Jim Garry) (Steve Gould)	DEC will provide technical assistance to the public water supply program for well permits. This activity will include the review of proposed pump test protocol, the evaluation of pump test data and the evaluation of municipal groundwater withdrawal issues. DEC will provide EPA a	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13	

### Component #3 of 8- Groundwater

**Groundwater management and planning are not required by one specific regulatory program, although the assessment of the States surface and groundwater resources is discussed under Section 305(b) of the Clean Water Act. Instead, groundwater is impacted and interacts with numerous regulatory programs, such as the State Superfund, RCRA, CWA and the Safe Drinking Water Act. Comprehensive groundwater management and planning is necessary to coordinate between programs to ensure that overall resource quality is assessed, maintained and remediated by efficient use of available resources. The approximate number of wells to be sampled in each basin will be specified and the QAPP referenced.**

Components	Narrative	Indicator	FY 12 Performance Activity Measures
	list of municipal water supply applicants (with address locations) that have received geotechnical assistance and a list of water supply projects for which hydrogeologic investigations and pump tests have been reviewed.		
e. (Ron Entringer) (Steve Gould)	DEC shall coordinate with NYSDOH on implementing source water protection for drinking water sources. Primary responsibility for reporting on progress regarding this activity will fall to NYSDOH through NYSDOH work plan.	Refer to DOH report for status update.	
f. (Ken Kosinski) (Steve Gould)	DEC will ensure that adequate controls and monitoring are set forth in the final supplemental generic EIS for high volume hydraulic fracturing (HVHF) to protect groundwater. DEC will issue, consistent with final Department action on HVHF, a General Permit for Stormwater Discharges from HVHF Activities. DEC will modify 6NYCRR Part	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13	

### Component #3 of 8- Groundwater

Groundwater management and planning are not required by one specific regulatory program, although the assessment of the States surface and groundwater resources is discussed under Section 305(b) of the Clean Water Act. Instead, groundwater is impacted and interacts with numerous regulatory programs, such as the State Superfund, RCRA, CWA and the Safe Drinking Water Act. Comprehensive groundwater management and planning is necessary to coordinate between programs to ensure that overall resource quality is assessed, maintained and remediated by efficient use of available resources. The approximate number of wells to be sampled in each basin will be specified and the QAPP referenced.

Components	Narrative	Indicator	FY 12 Performance Activity Measures
	750 to include provisions to protect surface and groundwaters.		

**Component #4 of 8- Watershed Planning and Implementation**

<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 12 Performance Activity Measures</b>
<b>a. HEP Management Conference</b> (Jeff Myers) (Robert Nyman)	DEC is committed to participating on the HEP to address habitat, environmental education, stewardship and water quality issues and working towards developing TMDLs, as necessary, for nutrients, pathogens and toxics in the NY-NJ Harbor waters.	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13	
<b>b. Onondaga Lake</b> (Joe Zalewski)(Ron Entringer) (Christopher Dere)	(i) DEC will oversee all January 20, 1998 ACJ actions. DEC will submit a final TMDL to EPA in time for approval by June 30, 2012.  (ii) Participate in the OLP project selection process which has habitat restoration and non-point source reduction projects.	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13	
<b>c. Onondaga Lake</b> (Joe Zalewski) (Christopher Dere)	DEC will continue oversight of the implementation of the project on the Identification of the Primary Sources of Bacteria Loading in Selected Tributaries of Onondaga Lake.	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13	
<b>d. Chesapeake Bay Program</b> (Angus Eaton/Jackie Lendrum) (Ruth Izraeli)	DEC will work with the Chesapeake Bay Program, the Upper Susquehanna Coalition, USEPA Region 2 and local stakeholder groups to implement New York's WIP.	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13  NYSDEC will work closely with EPA Region 2 to develop a Phase II WIP consistent with established	

**Component #4 of 8- Watershed Planning and Implementation**

<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 12 Performance Activity Measures</b>
		agreements and to meet milestones for data submittal and nutrient reduction implementation.	
<b>e. LISS Management Conference</b> (Ken Kosinski/Lorraine Holdridge) (Mark Tedesco)	<p>DEC is committed to participating on the LISS, with a focus on actions to implement and evaluate the nitrogen TMDL and developing a tool to track progress in attaining the load allocation.</p> <p>For LIS TMDL, participate in five-state LIS TMDL Reassessment work group and support reassessment technical activities, such as evaluation of baseline nitrogen loads, development of options and costs for additional nitrogen reduction. Implement the enhanced implementation plan.</p>	<p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13</p>	SP-41
<b>f. Great Lakes Waters Vessel Waste No Discharge Zones</b> (Jeff Myers) (Michelle Josilo)	<p>DEC will work with EPA and other appropriate agencies (EFC, DOS) to continue development of Vessel Waste No Discharge Zone petition(s) for the remaining waters of the Great Lakes (Lake Erie and the Saint Lawrence River).</p> <p>DEC will continue to work with EPA towards implementation of the EPA-DEC joint NDZ strategy to address all waterbodies in NYS.</p>	<p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/12 and Reported on 4/30/13</p>	

**Component #5 of 8- Nonpoint Source (NPS) Management Program**

**DEC will use the State's upgraded NPS Management Program Plan, which incorporates the nine (9) Key Elements of an effective NPS Program as prescribed by ASIWPCA and EPA, to help achieve reduction or elimination of impairments to waters of the State from polluted runoff. Implementation activities will focus on achievement of short and long-term goals established for the NPS program and will be consistent with EPA's 10/23/03 NPS Program and Grants Guidelines.**

Components	Narrative	Indicator	FY 12 Performance Activity Measures
a. (Don Tuxill)(Rick Balla)	<p>DEC will implement nonpoint source management activities to help protect or achieve reduction or elimination of impairments to waters of the state from polluted runoff or groundwater recharge. Implementation activities will emphasize two principal focus areas:</p> <p>(1) urban, construction and roadway runoff (including stormwater management); and (2) Agriculture.</p> <p>Activities within these focus areas will emphasize:</p> <p>(1) Restoration of uses of impaired Section 303(d) listed waters (2) Restoration of uses of waters included in the DEC Priority Waterbodies List (3) Implementation of priority management practices (BMPs)</p>	<p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13</p>	

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Components	Narrative	Indicator	FY 12 Performance Activity Measures
	<p>(4) Protection of priority watersheds and water supply sources.</p> <p>DEC will maintain the NYS Nonpoint Source Coordinating Committee, including workgroups that target the above principal focus areas.</p>		
<p><b>b.</b>(Don Tuxill) (Rick Balla)</p>	<p>(a) DEC will report progress implementing the Nonpoint Source Program through two primary mechanisms: (1) an annual report summarizing the achievements of activities in the Division's non-point source control program and (appropriate information per EPA's National Program Activity Measures (PAMs)) and (2) To account for 319 incremental funds (federal and state match) received through the PPG, DEC will maintain the Grants Reporting and Tracking System (GRTS) for agricultural and non-agricultural nonpoint source projects; including load reduction data for sediment,</p>	<p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13</p> <p>(a) Continuous updating of GRTS.</p> <p>NPS Load Reduction data will be entered into GRTS for 2012 by the national deadline of February 15, 2013.</p> <p>Annual Report, March 2013</p>	

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Components	Narrative	Indicator	FY 12 Performance Activity Measures
	<p>nitrogen, and phosphorus for Ag and non Ag projects. 319 base funds (federal and state match) received through the PPG used for eligible NPS activities will be accounted for in multiple GRTS data entries corresponding to the components of this workplan. EPA and DEC will work to promote DEC attendance at national NPS program and GRTS meetings.</p> <p>(b) DEC and EPA will collaborate to develop annual targets for WQ-10 (primarily NPS impaired waters partially or fully restored).</p> <p>(c) DEC will work with EPA to develop a process to achieve NPS success in a sustainable manner.</p>	<p>(b) Development of targets and identification of candidate waters by 9/1/12. By March 31, 2013 DEC will develop one to two (1-2) WQ10 success stories.</p> <p>( c) DEC will provide progress report on the development of this process in the semi-annual GROG report.</p>	
c.(Don Tuxill) (Rick Balla)	DEC will use \$190,716 for projects in the marine district and/or coastal areas of New York State that	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on	

**Component #5 of 8- Nonpoint Source (NPS) Management Program**

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<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 12 Performance Activity Measures</b>
	address nitrogen and/or pathogen nonpoint source issues and/or hydromodification affecting fish passage in waterbodies that are impaired, stressed or threatened.	4/30/13	

**Component #6 of 8 - Great Lakes**

<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 12 Performance Activity Measures</b>
<b>a.</b> RFP's (Ron Entringer/Angus Eaton) (Barbara Belasco)	Assist EPA with the review of various federal project proposals under various federal grant funding mechanisms and RFPs including USFWS, USACE, NOAA, GLC, GLNPO and GLRI.	Assistance provided as requested, as resources permit and as appropriate.	
<b>b.</b> AOCs (Ron Entringer/Gerry Pratt) (Barbara Belasco)	<p>(i) For Binational Connecting Channel AOCs - DEC to provide RAP coordination through the Great Lakes St. Lawrence River and Niagara River AOC grant.</p> <p>(ii). For the Buffalo River, 18 Mile Creek and Rochester Embayment AOCs which are being managed by EPA funds to local grantees, DEC is to assist these RAPs to meet the de-listing goals of the Great Lakes Strategy. DEC will work with EPA, local RAP managers and committees to ensure that RAP activities are consistent with state and federal programs and priorities. DEC will provide liaison and technical assistance to EPA and local RAPs as resources are available.</p>	<p>Progress reported through the grant's semi-annual reporting requirements. Projects are implemented as funding is provided.</p> <p>Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13</p>	
<b>c.</b> LO LaMP (Ron Entringer/Gerry Pratt) (Barbara Belasco)	Lake Ontario Lakewide Management Plan (LOLaMP). DEC will provide LaMP related	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on	

**Component #6 of 8 - Great Lakes**

<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 12 Performance Activity Measures</b>
	data and information and review and comment on draft water program documents.	4/30/13  (participate in LOMC, LOWG, LOCC, IJC, SOLEC, and GLWQA, etc., meetings and initiatives as resources permit. e.g. current focus on revised work plan, reporting, Binational Biodiversity Conservation Strategy, environmental indicators and near-shore/coastal management strategies)	
<b>d. LE LaMP</b> (Ron Entringer/Gerry Pratt) (Barbara Belasco)	Lake Erie Lakewide Management Plan (LaMP). DEC is to provide, as resources permit, water program assistance on LaMP related data and information and review and comments on draft water program documents.	Progress Through 9/30/12 Reported on 10/31/12 and Progress Through 3/31/13 and Reported on 4/30/13  (participate in LEMC, LEWG, IJC, SOLEC, and GLWQA, etc. meetings and initiatives as resources permit. e.g. current focus on revised work plan, reporting, ecosystem objectives and nutrient management strategy)	
<b>e. NRTMP</b> (Ron Entringer/Don Zelazny)(Michael Shaw)	Niagara Rivers Toxics Management Plan (NTRMP). DEC is to provide as resources permit, water program assistance on the NRTMP Monitoring Committee and NRTMP Secretariat committee, related data and information and review and	For activities beyond “core water program involvement,” DEC participation is to be covered by a separate grant (GL97257-08).  Thereafter, progress is to be reported through the grant’s reporting requirements.	

**Component #6 of 8 - Great Lakes**

<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 12 Performance Activity Measures</b>
	comments on draft water program documents and strategies as appropriate.	EPA and NYSDEC complete and publish Final 2012 Annual Status Update for Reduction of Toxics Loadings to The Niagara River from Hazardous Waste Sites in the United States – December 2012. This work is performed by NYSDEC's Division of Environmental Remediation.	

**Component #7 of 8 - District Management Information System**

Components	Narrative	Indicator	FY 12 Performance Activity Measures
<p><b>District Management Information Systems (DMIS)</b> (Leslie Brennan) (George Nossa)</p>	<p>The DEC will design and build a new District Management Information System (DMIS) – now referred to as the eFind System - to address the challenges in collecting and managing information associated with the identification and geo-referencing of all DEC regulated entities. The eFind system will: (1) follow agency-wide application technology standards; (2) improve locational accuracy of regulated facilities in the system through the use of geospatial technology; (3) streamline the resolution of duplicate facility information and facility data reconciliation across programmatic information systems; (4) expand coverage of regulated entities to include all environmental programs.</p> <p>Completion of the development of the eFind System by April 1, 2013.</p>	<p>Progress will be discussed via monthly teleconferences and reported in the semi-annual program review meetings.</p> <p>Major project document deliverables, including: user stories used in the development, test plans, system documentation and all project management deliverables including project plan, communications plan, status reports and issues log.</p> <p>Completion of the eFind System by April 1, 2013. Operational system deployed to the agency's production environment.</p>	

<b>Component 8 of 8 - Turf Management Training for Schools and Day Care Centers</b>			
<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 12 Performance Activity Measures</b>
<b>Turf Management Training for Schools</b> (Rick Balla)( Scott Menrath)	<p>The DEC will issue a Request for Proposals and award a contract to provide training on alternatives to pesticides for grounds management at schools and day care centers. Such training will assist schools and day care centers in complying with a new State statute prohibiting the use of most pesticides on playgrounds, playing fields, and turf. Implementation of the law could result in a reduction in children's exposure to pesticides in the school/day care environment and, by reducing overall pesticide use, mitigate non-point source pollution to groundwater and from pesticide-contaminated stormwater runoff and, with certain products, contamination from pesticide drift and evaporation. In order to ensure the greatest measure of success for this newly required approach to grounds management and the greatest reductions in the potential for both children's exposure and off-site contamination, DEC will seek proposals showing experience in training in alternative pest management for grounds or the ability to employ experienced individuals for the training.</p>	<p>Progress through 9/30/12 reported on 10/31/12 and progress through 3/31/13 reported on 4/30/13</p> <p>NOTE: NYS fiscal procedures and situation result in the need for flexibility on these milestones: The Request for Quotations was prepared and undergoing internal approval in December 2011-January 2012. A detailed RFQ, with a process to weigh qualifications of instructors, course agenda and characteristics, was prepared for quality of training in organic and alternative pest management methods. It is expected that the RFQ will be issued before the end of February 2012.</p> <p>Proposals will be due within 30-45 days of public notice of contacting potential bidders, with a goal of awarding the contract by Spring 2012.</p> <p>We will request completion of the training by the contractor by the end of 2012.</p>	